

AMENDED IN ASSEMBLY MAY 5, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1434**

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**Introduced by Assembly Member Torrico**

February 27, 2009

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An act to amend Sections 12838, 12838.1, 12838.2, and 12838.3 of, and to repeal Section 12838.13 of, the Government Code, relating to the Department of Corrections and Rehabilitation.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1434, as amended, Torrico. Department of Corrections and Rehabilitation: appointments.

Existing law requires the Governor to appoint the Secretary of Corrections and Rehabilitation and other specified positions within the Department of Corrections and Rehabilitation. Existing law authorizes individuals appointed to these positions to serve at the pleasure of the Governor.

This bill would eliminate these provisions and instead create the Corrections and Rehabilitation Board, consisting of the Governor, ~~Lieutenant Governor~~ *Controller*, and the Attorney General, and require the board to appoint individuals to these positions. This bill would also ~~authorize~~ *provide that* individuals appointed to these positions ~~to shall~~ serve at the pleasure of the board, *and would require the secretary to perform other duties prescribed by the board.* ~~This bill also make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 12838 of the Government Code is  
2 amended to read:

3     12838. (a) There is hereby created in state government the  
4 Department of Corrections and Rehabilitation, to be headed by a  
5 secretary, who shall be appointed by the Corrections and  
6 Rehabilitation Board, subject to *Senate* confirmation ~~by approval~~  
7 ~~of two-thirds of the Senate~~, and shall serve at the pleasure of the  
8 Corrections and Rehabilitation Board. The secretary shall perform  
9 other duties prescribed by the Corrections and Rehabilitation  
10 Board. The Department of Corrections and Rehabilitation shall  
11 consist of Adult Operations, Adult Programs, Juvenile Justice, the  
12 Corrections Standards Authority, the Board of Parole Hearings,  
13 the State Commission on Juvenile Justice, the Prison Industry  
14 Authority, and the Prison Industry Board.

15     (b) The Corrections and Rehabilitation Board, upon  
16 recommendation of the secretary, may appoint two undersecretaries  
17 of the Department of Corrections and Rehabilitation, subject to  
18 Senate confirmation. The undersecretaries shall hold office at the  
19 pleasure of the Corrections and Rehabilitation Board. One  
20 undersecretary shall oversee program support and the other  
21 undersecretary shall oversee program operations for the department.

22     (c) The Corrections and Rehabilitation Board, upon  
23 recommendation of the secretary, shall appoint three chief deputy  
24 secretaries, subject to Senate confirmation, who shall hold office  
25 at the pleasure of the Corrections and Rehabilitation Board. One  
26 chief deputy secretary shall oversee adult operations, one chief  
27 deputy secretary shall oversee adult programs, and one chief deputy  
28 secretary shall oversee juvenile justice for the department.

29     (d) The Corrections and Rehabilitation Board, upon  
30 recommendation of the secretary, shall appoint an assistant  
31 secretary, subject to Senate confirmation, who shall be responsible  
32 for health care policy for the department, and shall serve at the  
33 pleasure of the Corrections and Rehabilitation Board.

34     (e) The Corrections and Rehabilitation Board, upon  
35 recommendation of the secretary, shall appoint an Assistant  
36 Secretary for Victim and Survivor Rights and Services, and an  
37 Assistant Secretary for Correctional Safety, who shall serve at the  
38 pleasure of the Corrections and Rehabilitation Board.

1 (f) There is hereby created in state government the Corrections  
2 and Rehabilitation Board, consisting of the Governor, the  
3 ~~Lieutenant Governor~~ *Controller*, and the Attorney General.

4 SEC. 2. Section 12838.1 of the Government Code is amended  
5 to read:

6 12838.1. (a) There is hereby created within the Department  
7 of Corrections and Rehabilitation, under the Chief Deputy  
8 Secretary for Adult Operations, the Division of Adult Institutions  
9 and the Division of Adult Parole Operations. Each division shall  
10 be headed by a division chief, who shall be appointed by the  
11 Corrections and Rehabilitation Board, upon recommendation of  
12 the secretary, subject to Senate confirmation, who shall serve at  
13 the pleasure of the Corrections and Rehabilitation Board.

14 (b) The Corrections and Rehabilitation Board shall, upon  
15 recommendation of the secretary, appoint five subordinate officers  
16 to the Chief of the Division of Adult Institutions, subject to Senate  
17 confirmation, who shall serve at the pleasure of the Corrections  
18 and Rehabilitation Board. Each subordinate officer appointed  
19 pursuant to this subdivision shall oversee an identified category  
20 of adult institutions, one of which shall be female offender  
21 facilities.

22 SEC. 3. Section 12838.2 of the Government Code is amended  
23 to read:

24 12838.2. There is hereby created within the Department of  
25 Corrections and Rehabilitation, under the Chief Deputy Secretary  
26 for Adult Programs, the Division of Community Partnerships, the  
27 Division of Education, Vocations and Offender Programs, and the  
28 Division of Correctional Health Care Services. Each division shall  
29 be headed by a chief who shall be appointed by the Corrections  
30 and Rehabilitation Board, at the recommendation of the secretary,  
31 subject to Senate confirmation, who shall serve at the pleasure of  
32 the Corrections and Rehabilitation Board.

33 SEC. 4. Section 12838.3 of the Government Code is amended  
34 to read:

35 12838.3. There is hereby created within the Department of  
36 Corrections and Rehabilitation under the Chief Deputy Secretary  
37 for Juvenile Justice, the Division of Juvenile Facilities, the Division  
38 of Juvenile Programs, and the Division of Juvenile Parole  
39 Operations. Each division shall be headed by a chief, who shall  
40 be appointed by the Corrections and Rehabilitation Board, at the

- 1 recommendation of the secretary, subject to Senate confirmation,
- 2 who shall serve at the pleasure of the Corrections and
- 3 Rehabilitation Board.
- 4 SEC. 5. Section 12838.13 of the Government Code is repealed.